

Hamden Police Department

General Orders

Policy Number: 024-026

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Section: Patrol Division

Rescinds: November 13, 2013

Title: Bias Based Profiling and Policing

Approved By: Police Commission

Approval Date: May 11, 2023

Purpose

The purpose of this policy is to provide guidance to employees regarding bias based policing. Bias-based policing involves the selection and / or treatment of individuals based solely on a common trait of a group. The practice of bias based policing by law enforcement personnel undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias-based policing alienates citizens, fosters distrust of law enforcement by the community, and invites media scrutiny and judicial intervention.

Policy

It is the policy of the Hamden Police Department to patrol in a proactive manner, to legally investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe that they have committed, are committing, or are about to commit a violation of the law. It is the policy of the Hamden Police Department to protect the fundamental rights of all citizens, and to provide equal protection under the law. Therefore, the Hamden Police Department prohibits the use of bias based policing and / or bias based profiling, and will provide law enforcement services and enforce the law equally, fairly, objectively, and without discrimination toward any individual or group.

The Department's response to bias based policing shall be a set of procedures that require professional police traffic stops; ensure that officers base their behavior on sound legal reason, safety for officers and citizens, and the accepted standards of modern policing; and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

Definition

Bias based profiling: The differential treatment, enforcement, or service of any person by officers motivated by actual or perceived characteristics such as race, ethnicity, national origin, religion, gender, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristic).

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Suspicious Person Stops

The guidelines for defining suspicious behavior are defined in Terry v. Ohio 392 vs. 1 (1968) which requires, prior to stopping an individual, searching or restricting their movement in any manner, that an officer must have a reasonable, articulable suspicion, that the subject to be stopped has engaged in, is engaged in, or is about to engage in criminal activity.

The officer may use his/her experience and training to determine whether the factors listed above are present; however the race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other protected class of the subject may not be used to determine suspicious behavior and shall not have any bearing on such determination. No person or business shall have their assets or property forfeited in a proceeding against them solely because of their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other protected class and shall not have any bearing on such determination.

Traffic Stops

A motor vehicle traffic stop shall be initiated by Hamden Police officers with, at a minimum, a reasonable, articulable belief that the operator of the vehicle has committed, and/or is committing a violation or infraction. Circumstances, for example public safety as in the case of OUI or medical emergencies, may present exceptions. Their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other protected class shall not have any bearing on such determination.

A traffic stop for the purposes of this policy is defined as any time an officer initiates contact with a vehicle resulting in the detention of an individual and/or vehicle. Motor vehicle stops made as part of a checkpoint or spot check enforcement are considered officer initiated if contact with the operator is extended for any purpose. A traffic stop for the purposes of this policy does not include providing assistance to a motorist, traffic citations arising from traffic crashes, or in cases in which an officer stops a vehicle that has been linked to a specific incident, such as a vehicle in connection with a robbery.

Each time a motorist is stopped, the officer shall radio the dispatcher the location of the stop, the registration plate (if the vehicle has one visible) and the description of vehicle being detained. The officer may consider providing the number of occupants and reason for the stop as well. Communication personnel shall log all pertinent information.

State required data must be recorded for all traffic stops, unless the police officer was required to leave the location of the stop in order to respond to an emergency or due to some other exigent circumstances within the scope of such police officer's duties.

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Detention and Search

No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant or legally recognized exception to the warrant requirement.

In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof.

CT law generally prohibits consent searches of individuals by specifying that a person consenting to a search is not justification for a law enforcement official to conduct one, unless there is probable cause. CT law also limits the circumstances under which law enforcement officials may search motor vehicles stopped solely for motor vehicle violations. Under CT law, a law enforcement official may not ask for a driver's consent to conduct a search of the vehicle or its contents. Any search must be (1) based on probable cause or (2) after receiving the driver's unsolicited consent in writing or recorded on body-worn recording equipment or a dashboard camera.

CT law generally prohibits law enforcement officials, during stops solely for motor vehicle violations, from asking drivers for any documentation or identification other than a driver's license, motor vehicle registration, insurance identity card, or other documentation or identification directly related to the stop. This prohibition does not apply if (1) there is probable cause that a felony or misdemeanor offense has been committed or (2) the driver fails to produce a driver's license.

Pretext Traffic Stops

The police may affect the stop of a motorist whom they have probable cause to believe has committed a traffic violation. The officer's subjective motive for stopping the vehicle plays no role in determining whether or not probable cause exists, even if the stop of the motorist was a pretext to conduct a criminal investigation. However, motor vehicle stops, including pretext stops, are prohibited when based solely upon prohibited considerations, such as race, ethnicity, gender, age or sexual orientation, religion, protected class or any combination thereof.

State of Connecticut Traffic Data Collection Form

Each time a vehicle is stopped the officer shall ensure that State of Connecticut Traffic Stop Data is documented for collection and transmission to the State of CT, the officer's vehicle MDT may be utilized for this purpose. In the event this is not available, the officer will notify central communications to complete the report in CAD and furnish relevant information.

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Examples of Data Elements to be Collected and Recorded for Traffic Stops

(Below elements preceded by an asterisk (*) will be recorded for every MV stop, all other data when available should also be recorded)

When perception or observation is required, an officer reporting the stop shall determine this perception based on the totality of the contact and can include any post stop contact. The officer should not inquire race, ethnicity, or gender from the driver.

1. Agency Code:
 - a. 062
2. * Officer Identification Number:
 - a. Name and/or Badge Number
3. * Date
4. * Time
5. * Officer Perceived or Observed Race/Ethnicity of Operator:
 - a. White: W
 - b. Black: B
 - c. Indian America / Alaskan Native: I
 - d. Hispanic: H
 - e. Middle Eastern / East Indian: M
 - f. Muslim and Sikh communities
6. * Officer Perceived or Observed Gender of the Operator:
 - a. Male / Female
7. * Officer Perceived or Observed year of birth of the Operator.
8. Connecticut Resident:
 - a. Yes / No
9. Resident of Municipality making the stop:
 - a. Yes / No
- 10.* Location:
 - a. Geographic location where the stop occurs
- 11.* Nature of the stop:
 - a. Investigative: I
 - b. Violation: V
 - c. Equipment: E
- 12.Enforcement Category:
 - a. General Enforcement: A
 - i. A stop that meets the basic traffic stop definition made through the officer's general enforcement techniques and not involving special enforcement methods falling into category B and C.

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- b. Blind Enforcement: B
 - i. Blind Enforcement techniques include the use of radar, laser, license plate recognition devices, or any other similar technologies or methods. This category also includes stops resulting from DUI sobriety checkpoints.
- c. Spot Check: C
 - i. This category includes stops made as a result of spot checks to detect violations of seat belt use laws, use of cellphone or other electronic devices or similar law violations but excludes stops resulting from DUI checkpoints.

13.* Result of stop:

- a. Uniform Arrest Report: U
- b. Misdemeanor Summons: M
- c. Infraction Ticket: I
- d. Written Warning: W
- e. Verbal Warning: V
- f. No Disposition: N

14. Duration of stop:

- a. 0-15 minutes
- b. 16- 30 minutes
- c. Over 30 minutes

15. Tow:

- a. Yes / No

16.* Statutory Citation information:

- a. Statutory Citation for the Stop (required)
 - i. This field should record the initial citation for stopping the vehicle (i.e. 14-219 if speeding, 14-12 if registration violation, etc.)
- b. If different (from original reason for stop), the statutory citation resulting from the stop.
 - i. If the final charge is different from the initial charge for stopping the vehicle, the information should be recorded in this field (i.e. vehicle is stopped for speeding and motorist is arrested for drugs).
 - ii. If there is more than one charge, the highest charge should be recorded (i.e. vehicle is stopped for broken tail light and then it is discovered that the vehicle is unregistered and drugs are discovered in the car. Of note; the highest charge is determined by the Officer).

17.* Search as a result of stop:

- a. Yes / No

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18. Authority for Search:

- a. Consent: C
- b. Inventory: I
- c. Other: O
 - i. Probable Cause, Reasonable Suspicion, Plain View, Contraband, Incident of Arrest, Drug Canine Alert, Exigent Circumstances.

19. Contraband and / or evidence discovered:

- a. Yes / No

20.* Custodial Arrest made:

- a. Yes / No

How to Collect Data

There are five options for collecting traffic stop information.

1. Electronic Citation
2. Web-Based Browser
3. Collect System
4. CAD / RMS System
5. Paper Form

Although data may be collected as indicated above, submissions must be done in electronic format, no paper submissions will be accepted as per the State of Connecticut's most current recommendations on transmission.

The Hamden Police Department shall provide the State of Connecticut with periodic reports on the characteristics of persons stopped on traffic stops, when available.

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Addressing Complaints of Profiling Resulting from Traffic Stops

The Alvin W. Penn Act as modified in 2012, 2013 and 2015 requires additional information to be provided to the person stopped.

1. Notice to be given to the person stopped that if such person believes that such person has been stopped, detained or subjected to a search solely because of race, color, ethnicity, age, gender, sexual orientation, religion or membership in any other protected class, such person may file a complaint with the appropriate law enforcement agency unless the police officer was required to leave the location of the stop prior to providing such notice in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties.
2. Instructions to be given to the person stopped on how to file such complaint unless the officer was required to leave the location of the stop prior to providing such instructions in order to respond to an emergency or due to some other exigent circumstance within the scope of such officer's duties.
3. Any person who believes an officer has engaged in bias-based profiling has the right to file a formal complaint and the form may be downloaded from the State of CT website.
4. Complaints may be filed by a citizen (generally this should be the operator) with the Hamden Police Department or with the Commission of Human Rights and Opportunities.
5. The Professional Standards Bureau shall provide to the Chief State's Attorney and the Office of Policy and Management a copy of each complaint of this type received and written notification of the review and disposition of such complaint. No copy of such complaint shall include any other identifying information about the complainant such as the complainant's operator's license number, name or address.
6. In order to be in compliance with the law, at the completion of all Traffic Stops, Officer's will provide the motorist with instructions (from the State of CT Office of Policy and Management) advising the motorist on how to file a complaint should they believe the officer has engaged in bias-based profiling.

Any person may file a complaint with the Hamden Police Department as per the Alvin W. Penn Act. All complaints shall be investigated, and corrective measures shall be taken if it is determined that bias based profiling has occurred. Any officer shall provide supervisor information and the phone number for the police department to any person wishing to make a complaint regarding biased based profiling.

Supervisors who receive official complaints shall follow Hamden Police Department procedures on accepting citizen complaints and investigating misconduct. When present on scene, supervisors should be alert to patterns or practices of discriminatory treatment and/or biased based profiling.

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Supervisor's Responsibility

The shift commander shall be responsible for review of stops and incident reports for compliance with this procedure. Shift supervisors should randomly monitor officers by responding to locations where the stops are conducted. If such a review disclosed that race, ethnic background of the subject, gender, sexual orientation, religion, economic status, age, cultural group or any other protected class was the sole factor in the stop, in violation of the above, the shift supervisor shall forward a report to their supervisor for further review.

Said supervisor shall forward a report using the chain of command and include a recommendation for further action. Supervisors shall investigate any actual or alleged violations of this policy. Supervisors should take prompt and reasonable steps to address any retaliatory actions taken against any member of this department who discloses information concerning bias-based policing.

Training

All members of the police department shall receive training in this area. The training shall include but not be limited to:

1. Biased based profiling and policing
2. Legal aspects
3. Implicit bias and Procedural Justice

Officers will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, discrimination and bias based profiling, field contacts, traffic stops, the laws governing search and seizure, procedural justice and interpersonal communications skills as listed above. This training shall address the issues pertaining to the practice of racial profiling, including its impact on police and society. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action. Training will be consistent with CT law requirements.

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Annual Review of Department Practices and Citizen Concerns

The Records Management Unit shall provide the Administration with periodic reports on the characteristics of persons stopped on traffic stops by race, ethnicity and gender, when available. Generally this will occur during new yearly budget preparations. An administrative review of all department policy, practices, training, and citizen concerns and complaints relating to bias based profiling shall be continuously employed.

Results of the review and findings as well as recommendations, if any, shall be forwarded to the Chief of Police as applicable.